



General Assembly

January Session, 2011

Raised Bill No. 6336

LCO No. 3026

03026_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING KINSHIP CARE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) Not later than October 1, 2011, the
2 Commissioner of Children and Families shall, within existing
3 resources, convene a working group for the purpose of determining
4 how to maximize kinship care for children in the care and custody of
5 the commissioner. The working group shall examine Department of
6 Children and Families practices and policies that impact kinship care,
7 including, but not limited to, agency regulatory criteria, cultural
8 competence in recruitment of relative homes, outreach practices and
9 family conferencing. Not later than January 1, 2012, the working group
10 shall submit a report, in accordance with the provisions of section 11-
11 4a of the general statutes, summarizing existing department practices
12 and policies impacting kinship care and proposing recommendations
13 for increasing kinship care to the joint standing committee of the
14 General Assembly having cognizance of matters relating to human
15 services and the select committee of the General Assembly having
16 cognizance of matters relating to children.

17 Sec. 2. Section 17a-114 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective October 1, 2011*):

19 (a) As used in this section, "licensed" means a person holds a license
20 issued by the Department of Children and Families to provide foster
21 care, including foster care of a specific child, and "special study foster
22 parent" means a person who is twenty-one years of age or older and
23 who does not hold a license issued by the Department of Children and
24 Families to provide foster care.

25 (b) (1) No child in the custody of the Commissioner of Children and
26 Families shall be placed with any person, unless such person is
27 licensed for that purpose by the department or the Department of
28 Developmental Services pursuant to the provisions of section 17a-227,
29 or such person's home is approved by a child placing agency licensed
30 by the commissioner pursuant to section 17a-149. Any person licensed
31 by the department may be a prospective adoptive parent. The
32 commissioner shall adopt regulations, in accordance with the
33 provisions of chapter 54, to establish the licensing procedures and
34 standards.

35 (2) The commissioner shall require each applicant for licensure
36 pursuant to this section and any person sixteen years of age or older
37 living in the household of such applicant to submit to state and
38 national criminal history records checks prior to issuing a license to
39 such applicant to accept placement of a child. Such criminal history
40 records checks shall be conducted in accordance with section 29-17a.
41 The commissioner shall also check the state child abuse registry
42 established pursuant to section 17a-101k for the name of such
43 applicant and for the name of any person sixteen years of age or older
44 living in the household of such applicant.

45 (c) Notwithstanding the requirements of subsection (b) of this
46 section, the commissioner may place a child with a relative who is not
47 licensed, a nonrelative, if such child's sibling who is related to the
48 caregiver is also placed with such caregiver or, if the child is ten years

49 of age or older, with a special study foster parent for a period of up to
 50 ninety days when such placement is in the best interests of the child,
 51 provided a satisfactory home visit is conducted, a basic assessment of
 52 the family is completed and such relative, nonrelative or special study
 53 foster parent attests that such relative, nonrelative or special study
 54 foster parent and any adult living within the household has not been
 55 convicted of a crime or arrested for a felony against a person, for injury
 56 or risk of injury to or impairing the morals of a child, or for the
 57 possession, use or sale of a controlled substance. Any such relative,
 58 nonrelative or special study foster parent who accepts placement of a
 59 child in excess of such ninety-day period shall be subject to licensure
 60 by the commissioner, except that any such relative who, prior to July 1,
 61 2001, had been certified by the commissioner to provide care for a
 62 related child may continue to maintain such certification if such
 63 relative continues to meet the regulatory requirements and the child
 64 remains in such relative's care. The commissioner may grant a waiver
 65 from such procedure or standard, except any safety standard, for a
 66 child placed with a relative, on a case-by-case basis, from such
 67 procedure or standard, except any safety standard, based on the home
 68 of the relative and the needs and best interests of such child. The
 69 reason for any waiver granted shall be documented in writing. The
 70 commissioner shall adopt regulations, in accordance with the
 71 provisions of chapter 54, to establish certification procedures and
 72 standards for a caregiver under this section. For purposes of this
 73 subsection, "sibling" includes a stepbrother, stepsister, half-brother or
 74 half-sister.

75 (d) The Commissioner of Children and Families shall not require a
 76 relative to maintain a separate bedroom for a child prior to placing the
 77 child with the relative, provided such placement is otherwise in the
 78 best interests of the child.

79 Sec. 3. Subsection (c) of section 46b-129 of the general statutes is
 80 repealed and the following is substituted in lieu thereof (*Effective*
 81 *October 1, 2011*):

82 (c) The preliminary hearing on the order of temporary custody or
83 order to appear or the first hearing on a petition filed pursuant to
84 subsection (a) of this section shall be held in order for the court to: (1)
85 Advise the parent or guardian of the allegations contained in all
86 petitions and applications that are the subject of the hearing and the
87 parent's or guardian's right to counsel pursuant to subsection (b) of
88 section 46b-135; (2) assure that an attorney, and where appropriate, a
89 separate guardian ad litem has been appointed to represent the child
90 or youth in accordance with subsection (b) of section 46b-123e and
91 sections 46b-129a and 46b-136; (3) upon request, appoint an attorney to
92 represent the respondent when the respondent is unable to afford
93 representation, in accordance with subsection (b) of section 46b-123e;
94 (4) advise the parent or guardian of the right to a hearing on the
95 petitions and applications, to be held not later than ten days after the
96 date of the preliminary hearing if the hearing is pursuant to an order of
97 temporary custody or an order to show cause; (5) accept a plea
98 regarding the truth of such allegations; (6) make any interim orders,
99 including visitation, that the court determines are in the best interests
100 of the child or youth. The court, after a hearing pursuant to this
101 subsection, shall order specific steps the commissioner and the parent
102 or guardian shall take for the parent or guardian to regain or to retain
103 custody of the child or youth; (7) take steps to determine the identity of
104 the father of the child or youth, including, if necessary, inquiring of the
105 mother of the child or youth, under oath, as to the identity and address
106 of any person who might be the father of the child or youth and
107 ordering genetic testing, and order service of the petition and notice of
108 the hearing date, if any, to be made upon him; (8) if the person named
109 as the father appears, and admits that he is the father, provide him and
110 the mother with the notices that comply with section 17b-27 and
111 provide them with the opportunity to sign a paternity
112 acknowledgment and affirmation on forms that comply with section
113 17b-27. Such documents shall be executed and filed in accordance with
114 chapter 815y and a copy delivered to the clerk of the superior court for
115 juvenile matters; (9) in the event that the person named as a father

116 appears and denies that he is the father of the child or youth, advise
 117 him that he may have no further standing in any proceeding
 118 concerning the child, and either order genetic testing to determine
 119 paternity or direct him to execute a written denial of paternity on a
 120 form promulgated by the Office of the Chief Court Administrator.
 121 Upon execution of such a form by the putative father, the court may
 122 remove him from the case and afford him no further standing in the
 123 case or in any subsequent proceeding regarding the child or youth
 124 until such time as paternity is established by formal acknowledgment
 125 or adjudication in a court of competent jurisdiction; (10) identify any
 126 person or persons related to the child or youth by blood or marriage
 127 residing in this state who might serve as licensed foster parents or
 128 temporary custodians and order the Commissioner of Children and
 129 Families to investigate and [determine] report to the court, not later
 130 than thirty days after the preliminary hearing, the appropriateness of
 131 placement of the child or youth with such relative or relatives; and (11)
 132 in accordance with the provisions of the Interstate Compact on the
 133 Placement of Children pursuant to section 17a-175, identify any person
 134 or persons related to the child or youth by blood or marriage residing
 135 out of state who might serve as licensed foster parents or temporary
 136 custodians, and order the Commissioner of Children and Families to
 137 investigate and determine, within a reasonable time, the
 138 appropriateness of placement of the child or youth with such relative
 139 or relatives.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2011</i>	17a-114
Sec. 3	<i>October 1, 2011</i>	46b-129(c)

Statement of Purpose:

To encourage and increase the placement of children in the care and custody of the Commissioner of Children and Families with relatives.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]